


Remarks

Claim 16 is pending in the subject application. Claim 16 has been rejected under obviousness type double patenting based individually on U.S. Patent No. 6,551,791, 6,951,730, and 5,910,421. Applicant believe that the terminal disclaimer filed herewith fully obviates this rejection. Reconsideration is respectfully requested.

Claim 16 is rejected under 35 USC § 112, second paragraph. Applicants believe that the amendments to claim 16 obviate this rejection. Claim 16 has been amended to define 100 mg/dL or higher for the protein levels. Also claim 16 has been amended to recite that it is the presence of nitrite and/or esterase that is indicative of sinusitis. The foregoing amendments are supported by the values provided in FIG. 1 and the table, and the explanation of those values provided in the specification. Reconsideration is respectfully requested.

Applicant believes that claim 16 is in a condition for allowance, and respectfully asks that a Notice of Allowance be issued. If the Examiner should have any questions, or require any additional information, Applicants ask that the Examiner contact the undersigned attorney.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that this RESPONSE UNDER 37 CFR 1.111 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Mail Stop Amendment – Fee, Alexandria, Virginia 22313-1450 15<sup>th</sup> day of May 2006.

  
Alicia Hoffman